

United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	Elaine E. Bucklo	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	10 C 3236	DATE	9/22/2010
CASE TITLE	Musso vs. Excellence in Motivation		

DOCKET ENTRY TEXT

Defendant and counterclaimant Excellence in Motivation's (EIM) motion (26) to add as a defendant Andrew Stephens heard on 9/22/10 and the motion is denied.

■ [For further details see text below.]

Notices mailed by Judicial staff.

00:10

STATEMENT

Defendant and counterclaimant Excellence in Motivation's (EIM) motion to add as a defendant Andrew Stephens is denied. First, it is not at all clear that Stephens can be sued in Illinois. He is a resident of Missouri and EIM is located in Ohio. The only basis for adding Stephens to this lawsuit is that he allegedly entered into a conspiracy with plaintiff Musso and plaintiff Neely in a companion case that began sometime after all three had left the employment of EIM. The conspiracy as described is vague and counsel, at the hearing on this motion, was not able to add any detail that might convince me that the charge was, at this point at least, more than speculation because Stephens, Musso and Neely have allegedly ended up employed by the same company, and according to EIM, must be using confidential information obtained from EIM in their new employment.. Notably, the new company, the supposed beneficiary of the alleged breaches of faith, is not sued. Furthermore, most of EIM's counterclaim against Musso alleges conduct supposedly undertaken by Musso alone and involves a different company entirely. Finally, EIM says there is an ongoing suit brought by Stephens against EIM in federal court in Missouri. EIM might have moved to transfer that suit to this court, thereby giving Stephens the opportunity to respond. It has not done so.